

ORIGINAL

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

(1) JARID L. CUBBAGE 271683
(Name of Plaintiff) (Inmate Number)

D.C.C.

1181 Paddock Rd. Smyrna, De. 19977
(Complete Address with zip code)

06 - 384

(2) _____
(Name of Plaintiff) (Inmate Number)

(Case Number)
(to be assigned by U.S. District Court)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

vs.

(1) WARDEN THOMAS CARROLL

(2) SGT. LARRY CONNELLY

(3) _____
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

CIVIL COMPLAINT

• • Jury Trial Requested

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2006 JUN 14 PM 12:24

I. PREVIOUS LAWSUITS

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Jarid Cubbage v. Warden Thomas Carroll

1:05-cv-00798-GMS

11-17-2005

Honorable Gregory M. Sleet

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • ☒ Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • ☒ Yes • • No
- C. If your answer to "B" is Yes:

1. What steps did you take? Filed a grievance and had a disciplinary hearing
2. What was the result? Grievance was denied and disciplinary officer found me guilty

- D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS (in order listed on the caption)

- (1) Name of first defendant: Warden Thomas Carroll
 Employed as Warden at Delaware Correctional Center
 Mailing address with zip code: D.C.C., 1181 Paddock Rd.,
Smyrna, De. 19977

- (2) Name of second defendant: Sgt. Larry Connelly
 Employed as Correctional officer at Delaware Correctional Center
 Mailing address with zip code: D.C.C., 1181 Paddock Rd.,
Smyrna, De. 19977

- (3) Name of third defendant: _____
 Employed as _____ at N/A
 Mailing address with zip code: _____

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. On 5-11-04 and 7-8-04, plaintiff wrote two letters to Warden Thomas Carroll informing him of the situation and the results from the disciplinary hearing officer and the appeal decision. The plaintiff asked for the Warden's assistance and never received a response.
2. On 4-17-04 in W-bldg. on C-Tier about 7:30pm, Sgt. Larry Connelly confiscated a t.v., radio and candy from the plaintiff's cell after the plaintiff showed Sgt. Connelly receipts for each of the items.

3. _____

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. The plaintiff asks that the Honorable Court grant an injunction ordering the defendants to return the plaintiff's t.v., radio and candy or reimburse the plaintiff one hundred nine-teen dollars and fifty-one cents (\$119.51) for the items

2. Issue the plaintiff a list of the personal
property that the prison allow the plaintiff
to purchase through Commissary or receive
through the mail. The list should include the
date of purchase, amount paid and Serial numbers.

3. _____

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 9th day of June, 2006.

Jai R Culbrey

(Signature of Plaintiff 1)

N/A
(Signature of Plaintiff 2)

N/A
(Signature of Plaintiff 3)

Legal Mail

M David Cabbage
SBI# 271683 UNIT DW

DELAWARE CORRECTIONAL CENTER
11181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



U.S. MAIL
X-RAY

U.S. District Court
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Wilmington, De. 19801